

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DONNA COBURN (POWELL),

Plaintiff,

-against-

ORDER

13-cv-1006 (ADS)(SIL)

P.N. FINANCIAL,

Defendant.

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APPEARANCES:

Law Office of Alan J. Sasson, P.C.

Attorneys for the Plaintiff

1669 East 12 Street
Brooklyn, New York 11229

By: Alan J. Sasson, Esq.
Yitzchak Zelman, Esq., of Counsel

M. Harvey Rephen & Associate

Attorneys for the Plaintiff

708 3rd Avenue
6th Flr.
New York, NY 10017
By: Mark H. Rephen, Esq., of Counsel

NO APPEARANCE:

The Defendant

SPATT, District Judge.

On February 26, 2013, the Plaintiff Donna Coburn (Powell) (the “Plaintiff”) commenced this action against the Defendant P.N. Financial (the “Defendant”), alleging that the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq* in seeking to collect an alleged debt owed by the Plaintiff. On August 22, 2013, the Clerk of the Court noted the default of the Defendant.

On May 1, 2014, the Plaintiff moved for a default judgment.

On May 2, 2014, the Court referred the matter to United States Magistrate Judge William D. Wall for a recommendation as to whether the motion for a default judgment should be granted, and if so, to determine what relief was appropriate, including reasonable attorney's fees and costs. The Clerk of the Court noted the referral of this matter.

On July 31, 2014, the case was reassigned to United States Magistrate Judge Steven I. Locke.

On January 15, 2015, Judge Locke issued a Report recommending that the Plaintiff's motion for a default judgment be denied without prejudice. Judge Locke concluded that the record was inadequate to justify a finding of liability.

More than fourteen days have elapsed since service of the Report and Recommendation on the Plaintiff, who has failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the January 15, 2015 Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the January 15, 2015 Report and Recommendation is adopted in its entirety, and the Plaintiff's motion for a default judgment is denied without prejudice. The Plaintiff may re-file her motion for a default judgment with the appropriate documentation needed to support the relief she seeks on or before March 9, 2015.

SO ORDERED.

Dated: Central Islip, New York
February 9, 2015

Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge